

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT GALLEGOS, SR.,

Petitioner,

No. CIV S-04-2741 MCE GGH P

vs.

TOM L. CAREY, Warden,

Respondent.

ORDER

By Order, filed on December 5, 2007, this court granted petitioner's unopposed request to re-schedule the previously set evidentiary hearing in this matter, permitting the new date of April 14, 2008. However, not until March 11, 2008, did petitioner's counsel identify the two inmate witnesses, other than petitioner, whom she intended to call at the hearing. Only as of March 17, 2008, was any basis provided for the testimony of Inmate Carr, for whom a writ was issued, on March 21, 2008, for this individual to appear via videoconferencing at the hearing.

Thereafter, on March 24, 2008, petitioner's counsel made a representation as to the somewhat tenuous basis for calling the second of the two previously proposed inmate witnesses, Inmate Pogue. In this extremely belated filing, petitioner's counsel sought for the first

1 time to be permitted to call yet a third inmate witness, Askia Ashanti.¹ In that filing, counsel also
2 stated that CSP-Solano will not have video-conferencing facilities available for April 14, 2008.
3 By concurrently filed writ, the court now amends the writ issued for Inmate Arthur Carr #C-
4 66940, to accommodate CSP-Solano's schedule. In addition, the court also now issues the writ
5 for the videoconferencing appearance of Inmate Leon Pogue #E-65357 at Pleasant Valley State
6 Prison, Coalinga. However, petitioner's counsel will not be permitted to call Inmate Ashanti as a
7 witness at this late date.

8 IT IS SO ORDERED.

9 DATED: 03/25/08

/s/ Gregory G. Hollows

10 _____
11 GREGORY G. HOLLOWS
12 UNITED STATES MAGISTRATE JUDGE

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¹ Counsel for petitioner misidentifies him as Ashanti Askia.